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3
4 BILL NO. G-84-10-33
5

6 GENERAL ORDINANCE NO. G-

7 AN ORDINANCE establishing a moratorium
8 on rezoning in residential districts
9

10 WHEREAS, State Laws and Municipal Ordinances
11 concerning rezoning are being circumvented by use of variance
12 proceedings before the Board of Zoning Appeals of the City
13 of Fort Wayne to accomplish use changes in residential districts
14 that appropriately should be only handled by the rezoning
15 process before the Plan Commission of the City of Fort Wayne
16 and the Common Council of this City, and,

17 WHEREAS, zoning violators in residential districts
18 are often permitted to continue their illegal operations
19 until the property on which they are violating the zoning laws
20 is either rezoned, rejected, or a variance has been granted,
21 and,

22 WHEREAS, specific restrictions and conditions have
23 been placed on the operation of business uses in residential
24 areas, and by reason of the passage of time, these restrictions
25 have been ignored, and/or not enforced; and the business uses
26 heretofore granted have expanded so that the present business
27 uses in these residential areas now violate the intent of the
28 zoning ordinance or the variance initially granted to permit
29 said business uses (e.g. expansion of a one-chair beauty shop
30 to include additional chairs or operators); and

31 WHEREAS, conflicting philosophies exist between the
32 Plan Commission of the City of Fort Wayne, planning operations
33 personnel, the Board of Zoning Appeals of the City of Fort
34
35

FOX RIVER BOND
25% COTTON

Wayne, and the Common Council of the City of Fort Wayne on the subjects of zoning and use variances.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. There is hereby established a twelve (12) month moratorium on:

(a) All rezoning from R (R-1, R-2, R-3, and RA) to B (B-1, B-1A, B-2, B-2A, B-2C, B-2D, B-3A, B-3B, and B-4) or M (M-1, M-2, and M-3) zoning classifications.

(b) All use variances in R (R-1, R-2, R-3 and RA) districts

✓ (c) All downward (less restrictive) rezoning within all R (R-1, R-2, R-3 and RA) districts.

SECTION 2. The following procedures are not subject to the moratorium:

(a) Upward (more restrictive) rezoning within an R (R-1, R-2, R-3, and RA) districts.

✓ (b) All rezonings within any B (B-1, B-1A, B-2, B-2A, B-2C, B-2D, B-3A, B-3B, and B-4) and M (M-1, M-2, and M-3) districts.

(c) All rezonings from zoning classification B to M, or visa versa.

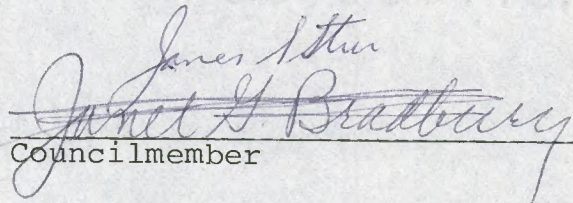
(d) All variances involving land that is presently zoned either B (B-1, B-1A, B-2, B-2A, B-2C, B-2D, B-3A, B-3C, and B-4) or M (M-1, M-2, and M-3).

SECTION 3. During the twelve (12) month moratorium, representatives of the Plan Commission of the City of Fort Wayne, the planning staff, the Board of Zoning Appeals, and the Common Council of the City of Fort Wayne, will review and revise, as necessary, all zoning and variance authorities and responsibilities involving the City of Fort Wayne, as they apply to residential areas. Philosophy, operations, responsibility, and authority will be reviewed so that

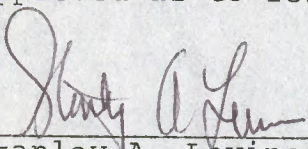
acceptable procedures can be developed, implemented, and enforced by the City of Fort Wayne to deal with residential zoning and variances.

SECTION 4. This Ordinance may be extended to cover an additional six (6) months if the subject matter of the review by representatives of the above-listed bodies is not resolved.

SECTION 5. This Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.


Councilmember

Approved as to form and legality


Stanley A. Levine, Council Attorney

Read the first time in full and on motion by Bradbury, seconded by Redd, and duly adopted, read the second time by title and referred to the Committee Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.S.

DATE: 10-23-84

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by _____, seconded by _____, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____	_____
<u>BRADBURY</u>	_____	_____	_____	_____	_____
<u>BURNS</u>	_____	_____	_____	_____	_____
<u>EISBART</u>	_____	_____	_____	_____	_____
<u>GiaQUINTA</u>	_____	_____	_____	_____	_____
<u>HENRY</u>	_____	_____	_____	_____	_____
<u>REDD</u>	_____	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	_____	_____
<u>STIER</u>	_____	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____	_____

DATE: _____

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. _____ on the _____ day of _____, 19____,

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19____, at the hour of _____ o'clock _____ M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____, 19____, at the hour of _____ o'clock _____ M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

Memorandum

To Members of the Common Council

Date 20 November 1984

From City Planning Commission

Subject Bill No. G-84-10-33 (Moratorium on Rezoning in Residential Districts)

COPIES TO:

Planning Commission

At the regular session of the City Planning Commission a motion was made by David Kiester, seconded by Edith Kenna that the Planning Commission staff inform City Council that the Planning Commission intends to take a position on the above stated bill, and would request that City Council hold any final action on the bill, affording the Commission time to make a recommendation.

Motion carried with a 9 to 0 vote.

/pb

*Hold for
next week
12/11/84*

BILL NO. G-84-10-33

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN
ORDINANCE establishing a moratorium on rezoning in residential
districts

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE PASS.

JANET G. BRADBURY, CHAIRWOMAN

SAMUEL J. TALARICO, VICE CHAIRMAN

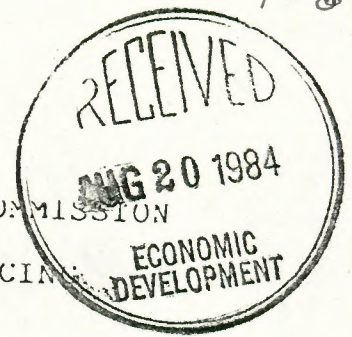
CHARLES B. REDD

MARK E. GIAQUINTA

JAMES S. STIER

Ja Stier

APPLICATION
TO
FORT WAYNE, INDIANA, ECONOMIC DEVELOPMENT COMMISSION
FOR
ECONOMIC DEVELOPMENT REVENUE BOND FINANCING



A. GENERAL INFORMATION:

1. Applicant's Name: SCOTFOAM Corporation
2. Address of applicant's principle office and place of business: 1500 East Second Street; Eddystone, PA 19013

3. Name of contact person for additional information and notices:
Kenneth R. Fuelle
4. Address of contact person:
SCOTFOAM Corporation
1500 E. 2nd Street
Eddystone, PA 19013

5. Phone number of contact person (215) 876-2551 ext. 301

B. PROJECT INFORMATION:

6. What is the proposed amount of the bond issue? (include cost of project plus issuance cost of bonds) \$ 2,900,000
7. Provide a brief description of the project: Equipment
and facility improvements resulting in improved manufacturing efficiency.

GENERAL:

10/15/64

DURING THE 12 MONTH MORATORIUM,
THE FOLLOWING BODIES WILL REVIEW, AND REVISE, AS
NECESSARY, ALL ZONING AND VARIANCE* AUTHORITIES AND
RESPONSIBILITIES AND ~~OPERATIONS~~ INVOLVING THE CITY OF
Ft. WARR. THIS WILL INCLUDE:

- CITY PLANNING COMMISSION
- PLANNING STAFF
- BOARD OF ZONING APPEALS
- COMMON COUNCIL

PHILOSOPHY, OPERATIONS, RESPONSIBILITY AND AUTHORITY
WILL BE REVIEWED SO THAT ACCEPTABLE PROCEDURES CAN BE
DEVELOPED, IMPLEMENTED AND ENFORCED BY THE CITY TO DEAL
WITH RESIDENTIAL ZONING AND VARIANCES

THIS ORDINANCE MAY BE EXTENDED TO COVER AN
ADDITIONAL 6 MONTHS IF SUBJECT MATTER IS NOT RESOLVED
BY THE AF-REMENTIONED BODIES

8. Itemize the use of the bonds by expenditure category.

<u>Item</u>	<u>Estimated Expenditure</u>
<u>See Attached List</u>	<u></u>
<u></u>	<u></u>
<u></u>	<u></u>
<u></u>	<u></u>
<u></u>	<u></u>
<u></u>	<u></u>

9. If the proceeds of the bond issue are not sufficient to complete the proposed project, itemize the additional amount of funds which will be necessary and indicate the source of such funds. .

Internally generated funds (i.e. equity) as per attached
certificate.

10. Where is the proposed project to be located? (Give street address and attach a legal description for property as it appears on County Auditor's Records)

3005 Commercial Rd.; Fort Wayne, IN 46809

11. Are architects' renderings or blueprints available on facilities to be constructed? Yes No X

If yes, provide a copy of those renderings and blueprints to the coordinator of the Fort Wayne Economic Development Commission.

If no, describe facilities to be constructed.

Improved Manufacturing Equipment

10/15/84

THEREFORE :

BE IT RESOLVED BY THE COMMON COUNCIL ^{SECT. 1.} THAT A 12 MONTH MORATORIUM BE PLACED ON:

1. ALL REZONING FROM R (R1-R2-R3-RA) TO B OR M.
2. ALL ^{USE} VARIANCES INVOLVING R DISTRICTS
3. ALL DOWNWARD REZONING WITHIN R DISTRICTS ^{LESS RESTRICTIVE}

THE FOLLOWING SITUATIONS ARE NOT SUBJECT TO THE MORATORIUM.

1. ^(MORE RESTRICTIVE) UPWARD REZONING WITHIN R
2. REZONING WITHIN B AND M.
3. REZONING FROM B TO M OR VICE VERSA
4. VARIANCES INVOLVING B AND M AREAS.

C. APPLICANT INFORMATION:

17. Type of organization under which the applicant does business (e.g. operation, partnership, sole proprietorship, joint venture).

Corporation

18. Under the laws of what state is the applicant orgnaized?

Delaware

19. Name the business or businesses in which the applicant is engaged.

Manufacture distribution and sale of Polyurethane Specialty and Bulk Foams

20. Is the applicant qualified to do business in Indiana?
 Yes X No

21. How long has the applicant been in operation in Allen County? 51 Years. SCOTFOAM Corporation was formed in Oct. 1983. SCOTFOAM is the successor company to Scott Paper Company, Foam Division which opened its Ft. Wayne plant in 1969.

22. Please list the names and titles of principal operating personnel.

Name

Title

Jared W. Darlington

Plant Manager

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10/15/84

MORATORIUM ON REZONING IN RESIDENTIAL DISTRICTS

WHEREAS:

LAWS INVOLVING REZONING ARE BEING CIRCUMVENTED BY THE USE OF VARIANCE PROCEDURES TO COVER SUBJECTS THAT ~~ARE~~, APPROPRIATELY, SHOULD BE HANDLED BY THE REZONING PROCESS ONLY

WHEREAS:

ZONING VIOLATORS ARE OFTEN PERMITTED TO CONTINUE THEIR ILLEGAL OPERATIONS UNTIL THE SUBJECT PROPERTY IS REZONED, REJECTED, OR A VARIANCE HAS BEEN GRANTED

WHEREAS:

~~CERTAIN~~ CONDITIONS EXIST WHICH INITIALLY PLACED RESTRICTIONS ON BUSINESS IN RESIDENTIAL AREAS. ~~BUT WHICH~~ IN THE COURSE OF TIME, ^{SOME CONDITIONS} HAVE ~~BECOME~~ EXPANDED, AND ~~WHICH~~ NOW VIOLATE THE INTENT OF THE ^{ZONING} ORDINANCE OR THE ~~VARIANCE~~ VARIANCE, ^{GRANTED} ~~(FOR)~~ (E.G. EXPANSION OF ONE CHAIR BEAUTY SHOP TO INCLUDE ADDITIONAL CHAIRS AND OPERATORS)

WHEREAS:

CONFLICTING PHILOSOPHIES ^{EXIST} ~~PREVALE~~ ON THE ~~SUBJECT~~ OF ~~ZONING AND VARIANCE~~ ^{AMONGST} WITH THE CITY PLANNING COMMISSION, PLANNING OPERATIONS, BOARD OF ZONING APPEALS AND THE CITY COUNCIL ON THE SUBJECTS OF ZONING AND USE VARIANCES

- (c) All rezonings from zoning classification B to M, or visa versa.
- (d) All variances involving land that is presently zoned either B (B-1, B-1A, B-2, B-2A, B-2C, B-2D, B-3A, B-3C, and B-4) or M (M-1, M-2, and M-3).

Section 3. During the twelve (12) month moratorium, representatives of the Plan Commission of the City of Fort Wayne, the planning staff, the Board of Zoning Appeals, and the Common Council of the City of Fort Wayne, will review and revise, as necessary, all zoning and variance authorities and responsibilities involving the City of Fort Wayne, as they apply to residential areas. Philosophy, operations, responsibility, and authority will be reviewed so that acceptable procedures can be developed, implemented, and enforced by the City of Fort Wayne to deal with residential zoning and variances.

Section 4. This Ordinance may be extended to cover an additional six (6) months if the subject matter of the review by representatives of the above-listed bodies is not resolved.

Section 5. This Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Councilmember

APPROVED AS TO FORM AND LEGALITY:

Stanley A. Levine, Council Attorney

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE establishing a moratorium
on rezoning in residential districts.

WHEREAS, ^{municipal} ~~State~~ ^{and Ordinances} ~~Laws~~ ^{use} concerning rezoning are being circumvented by use of variance proceedings before the Board of Zoning Appeals of the City of Fort Wayne to accomplish use changes in residential districts that appropriately should be only handled by the rezoning process before the Plan Commission of the City of Fort Wayne and the Common Council of this City, and,

WHEREAS, zoning violators in residential districts are often permitted to continue their illegal operations, until the property on which they are violating the zoning laws is either rezoned, rejected, or a variance has been granted, and,

WHEREAS, specific restrictions and conditions have been placed on the operation of business uses in residential areas, and by reason of the passage of time, these restrictions have been ignored, ^{have} ~~and not enforced~~, and the business uses ^{or} heretofore granted ~~has~~ expanded so that the present business uses in these residential areas now violate the intent of the zoning ordinance or the variance initially granted to permit said business uses (e.g. expansion of a one-chair beauty shop to include additional chairs and operators); and,

WHEREAS, conflicting philosophies exist between the Plan Commission of the City of Fort Wayne, planning operations personnel, the Board of Zoning Appeals of the City of Fort Wayne, and the Common Council of the City of Fort Wayne on the subjects of zoning and use variances.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. There is hereby established a twelve (12) month moratorium on:

- (a) All rezoning from ^R (R-1, R-2, R-3, and RA) to ^B (B-1, B-1A, B-2, B-2A, B-2C, B-2D, B-3A, B-3B, and B-4) or ^M (M-1, M-2, and M-3) zoning classifications.
- (b) All use variances ^R in (R-1, R-2, R-3, and RA) districts.
- (c) All downward ^R (~~unless restricted~~ ^{less restrictive}) rezoning within all ^R (R-1, R-2, R-3 and RA) districts.

Section 2. The following procedures are not subject to the moratorium:

- (a) Upward ^{tie} (more restricted) rezoning ^R within an (R-1, R-2, R-3, and RA) districts.
- (b) All rezonings within any B (B-1, B-1A, B-2, B-2A, B-2C, B-2D, B-3A, B-3B, and B-4) and M (M-1, M-2, and M-3) districts.